

From: "Scott Kellogg" <skellogg@veranet.net>
To: <aster.adams@state.tn.us>
Date: 02/23/2004 4:14:27 PM
Subject: Now Acquisition Corp

RECEIVED

2004 FEB 24 AM 8:31

T.R.A. DOCKET ROOM

Mr. Adams,

Per our conversation, attached is a copy of the filing in the Federal Communications Commission's CC Docket No. 00-257 concerning the notice jointly provided by NOW and Now Acquisition Corp. (as well as by NOW and Essex Acquisition Corp. ["EAC"], an affiliate of NAC's which will be acquiring the NOW assets in certain states). Also attached are copies of the public notices concerning the approval of the 214 applications jointly filed by NOW and NAC/EAC. Concerning the international 214, please refer to Page 4, where the filing is under the name of NAC's parent company, BiznessOnline.com, Inc.

As we discussed, we regret the apparent oversight concerning the need to obtain the TRA's pre-approval of the customer notification. I am afraid that oversight occurred simply as a result of the multi-jurisdictional nature of this transaction, which concerns assets in approximately 25 states. Customer notification was jointly sent to customers in Tennessee by NOW and NAC on November 26, 2003. Concerning other elements of Rule 1220-4-2-56(d), customers will not be incurring any fees for their service being changed to NAC, and no rate changes will occur. Both of those points were affirmed to the customers as indicated in Exhibit D to the filing in CC Docket No. 00-257. Granted, certain specifics of 1220-4-2-56(d) 4 may not have been communicated to the customer (i.e., 30 days notice of increases within 90 days), but a general commitment was made in our notice letter that there would be no impact upon customer rates (i.e., "your existing rates and charges will not be changed") and we would be pleased to subsequently reaffirm that commitment with supplemental notice(s) to the acquired customers post-closing. As I noted in our conversation this afternoon, our abiding interest is to ensure uninterrupted service to the customers at the rates and terms of service they currently enjoy with NOW. Accordingly, we have no plans to alter NOW's rates. Further, we do plan to change our name subsequently to NOW Communications post-closing (once NOW has withdrawn from the jurisdiction and the name is available). In short, our intention is to make the transition of service virtually seamless to the acquired customers. We hope that the TRA will take the foregoing into consideration in evaluating this matter.

Scott Kellogg
312/658-1056 (V)
312/658-5487 (F)



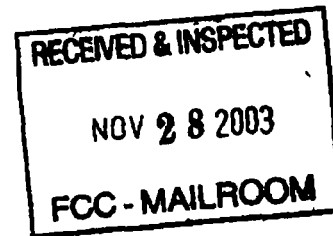
DOCKET FILE COPY ORIGINAL

NOW ACQUISITION CORPORATION

180 NORTH WACKER DRIVE, SUITE 3
CHICAGO, ILLINOIS 60606

November 25, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



RE: CC Docket No. 00-257
Notification of Acquisition of Subscriber Base Pursuant to 47 CFR § 64.1120(e)

Dear Secretary Dortch:

Essex Acquisition Corporation ("EAC") and Now Acquisition Corporation ("NAC") hereby notify the Federal Communications Commission ("FCC") of the impending acquisition of NOW Communications, Inc.'s ("NOW") assets by the Companies. EAC and NAC are both wholly-owned subsidiaries of BiznessOnline.com, Inc. and will be acquiring NOW's assets on a state-specific basis. Under separate cover, EAC and NAC will be providing additional details concerning the same transaction in requesting the FCC's approval for domestic and international transfers of control.


Specifically, for purposes of compliance with 47 CFR § 64.1120(e), the Companies hereby provide notice to the FCC that EAC and NAC will acquire the subscribers of NOW on or about December 31, 2003. Following the acquisition, EAC and NAC will provide local, intraLATA and interLATA services to the NOW customer base pursuant to rates, terms and conditions of service identical to those established by NOW. Given an abundance of caution and cooperation between EAC, NAC, and NOW, the transition to being billed and serviced by EAC and NAC will be seamless and no additional charges will be assessed to the affected subscribers.

Further, attached as Exhibits A and B are certifications of compliance by EAC and NAC, respectively, with 47 CFR § 64.1120(e)(3). Also attached as Exhibits C and D are copies of notices being to the affected subscribers by EAC and NAC, respectively. The respective notices are being sent jointly with NOW.

Please stamp the duplicate of this notification letter "received" and return it to my attention using the pre-addressed, stamped envelope also enclosed herein.

If you have any questions concerning this matter, please contact me at 312/658-1056.

Sincerely,



Scott Kellogg

Enclosures

No. of Copies rec'd 0
List ABCDE

Essex Acquisition Corporation/New Acquisition Corporation
Exhibit A
CC Docket No. 00-257

CERTIFICATION OF ESSEX ACQUISITION CORPORATION

With reference to the attached notification filed with the Federal Communications Commission, Essex Acquisition Corporation hereby certifies its compliance with the advance subscriber notice requirements of 47 CFR § 64.1120(e)(3) and other statutory and Commission requirements applicable to this streamlined process

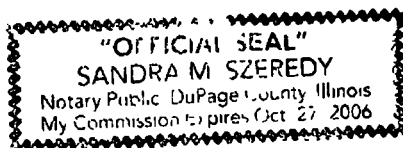
By: 
Scott Kellogg, Assistant Secretary

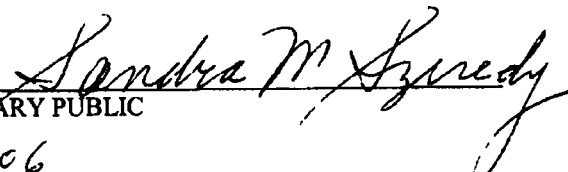
Date: 11/25/03

State of Illinois)
County of DuPage)ss

I, Sandra M Szereby, a notary public in and for, and residing in said County, in the State aforesaid, DO HEREBY CERTIFY, that Scott Kellogg is personally known to me to be the same person whose name is subscribed on the foregoing Instrument, that he appeared before me this day in person, and acknowledged that he signed, sealed, and delivered the said Instrument as a free and voluntary act, for the uses and purposes set forth

GIVEN under my hand and notarial seal this 25 day of Nov., 2003.




NOTARY PUBLIC

My commission expires Oct 27, 2006

Essex Acquisition Corporation/Now Acquisition Corporation
Exhibit B
CC Docket No. 00-257

CERTIFICATION OF NOW ACQUISITION CORPORATION

With reference to the attached notification filed with the Federal Communications Commission, Now Acquisition Corporation hereby certifies its compliance with the advance subscriber notice requirements of 47 CFR § 64.1120(e)(3) and other statutory and Commission requirements applicable to this streamlined process

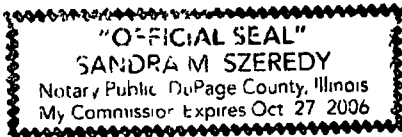
By 
Scott Kellogg, Secretary

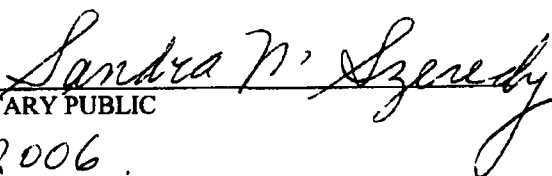
Date: 11/25/03

State of Illinois)
County of DuPage)ss

I, Sandra M. Szeredy, a notary public in and for, and residing in said County, in the State aforesaid, DO HEREBY CERTIFY, that Scott Kellogg is personally known to me to be the same person whose name is subscribed on the foregoing Instrument, that he appeared before me this day in person, and acknowledged that he signed, sealed, and delivered the said Instrument as a free and voluntary act, for the uses and purposes set forth.

GIVEN under my hand and notarial seal this 25 day of Nov, 2003.




NOTARY PUBLIC

My commission expires Oct 27, 2006.

Essex Acquisition Corporation/Now Acquisition Corporation
Exhibit C
CC Docket No. 00-257

Dear Valued NOW Customers,

We recently announced an asset purchase agreement between NOW Communications, Inc. ("NOW") and Essex Acquisition Corporation d/b/a Now Communications ("EAC"), a wholly owned subsidiary of VeraNet Solutions. This agreement will become effective on or after December 31, 2003

During the past 6 months we've worked hard to create new product offerings and streamline our provisioning and customer service processes. The end result is a stronger communications company to serve you better

There are several assurances we want to make to you, our highly valued customer. First, especially in today's marketplace, EAC is committed to the tenet that we will operate at the highest ethical standards.

Second, we can assure you that the hundreds of fine employees at EAC/VeraNet are committed to providing our customers with the best in telecommunications quality and services. Additionally and perhaps most importantly, VeraNet has the experience and resources to ensure that EAC meets your telecommunications needs. The majority investor in VeraNet is a financial services company that provides financing and advisory services to companies in the communications, information services, media and technology industry sectors. Since its inception, it has originated an aggregate of over \$2 billion in investments in over 200 transactions and is an AAA-rated financial services company

It's also important for you to know.

- The services you have paid for will not be impacted as a result of this agreement.
- Your existing rates and charges will not be changed.
- You will still pay for/renew your services in the same way you do today

We recognize that you have the right to switch to another carrier prior to December 31, 2003. If you do so, you may incur installation or carrier change charges. If you stay with NOW, however, you will not incur any such charges for the transfer to EAC. Further, you will not need to take any action for the transfer to EAC to occur (any preferred carrier freezes in place will automatically be lifted).

If you have any questions about this notice or problems with your current service, please call NOW at (888) 565-1011. NOW will remain responsible for addressing any such concerns about your service until the transfer occurs.

We appreciate your business and your commitment to NOW during this transitional time. The future looks bright as we move forward with new bundled local/long distance products, Internet services including web hosting, dial up Internet and broadband internet solutions to residential and small business customers.

If you have any questions for EAC once your service is switched (or to establish a preferred carrier freeze after the transfer), please call 877/822-8501.

Sincerely,

NOW Communications, Inc.

Essex Acquisition Corporation d/b/a
Now Communications

Essex Acquisition Corporation/Now Acquisition Corporation
Exhibit D
CC Docket No. 00-257

Dear Valued NOW Customers,

We recently announced an asset purchase agreement between NOW Communications, Inc ("NOW") and Now Acquisition Corporation ("NAC"), a wholly owned subsidiary of VeraNet Solutions. This agreement will become effective on or after December 31, 2003.

During the past 6 months we've worked hard to create new product offerings and streamline our provisioning and customer service processes. The end result is a stronger communications company to serve you better.

There are several assurances we want to make to you, our highly valued customer. First, especially in today's marketplace, NAC is committed to the tenet that we will operate at the highest ethical standards.

Second, we can assure you that the hundreds of fine employees at NAC/VeraNet are committed to providing our customers with the best in telecommunications quality and services. Additionally and perhaps most importantly, VeraNet has the experience and resources to ensure that NAC meets your telecommunications needs. The majority investor in VeraNet is a financial services company that provides financing and advisory services to companies in the communications, information services, media and technology industry sectors. Since its inception, it has originated an aggregate of over \$2 billion in investments in over 200 transactions and is an AAA-rated financial services company.

It's also important for you to know:

- The services you have paid for will not be impacted as a result of this agreement.
- Your existing rates and charges will not be changed.
- You will still pay for/renew your services in the same way you do today.

We recognize that you have the right to switch to another carrier prior to December 31, 2003. If you do so, you may incur installation or carrier change charges. If you stay with NOW, however, you will not incur any such charges for the transfer to NAC. Further, you will not need to take any action for the transfer to NAC to occur (any preferred carrier freezes in place will automatically be lifted).

If you have any questions about this notice or problems with your current service, please call NOW at (888) 565-1011. NOW will remain responsible for addressing any such concerns about your service until the transfer occurs.

We appreciate your business and your commitment to NOW during this transitional time. The future looks bright as we move forward with new bundled local/long distance products, Internet services including web hosting, dial up Internet and broadband internet solutions to residential and small business customers.

If you have any questions for NAC once your service is switched (or to establish a preferred carrier freeze after the transfer), please call 877/822-8501.

Sincerely,

NOW Communications, Inc.

Now Acquisition Corporation



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet <http://www.fcc.gov>
ftp.fcc.gov

DA 04-43
Released: January 12, 2004

NOTICE OF STREAMLINED DOMESTIC SECTION 214 APPLICATION GRANTED

WC Docket No. 03-248

The application listed in this notice has been granted pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ The Wireline Competition Bureau has determined that grant of this application serves the public interest.² For purposes of computation of time for filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.³

- 1 Domestic Section 214 Application Filed for Acquisition of Assets of Now Communications, Inc., by NOW Acquisition Corporation and Essex Acquisition Corporation, WC Docket No. 03-248, Public Notice, DA 03-3938 (rel. December 11, 2003)

Effective Date of Grant: 1/11/04

For further information, please contact Tracey Wilson, at (202) 418-1394 or Julie Veach, Competition Policy Division, Wireline Competition Bureau at (202) 418-1558.

¹ 47 C.F.R. § 63.03

² *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002)

³ *Id.*, see 47 C.F.R. § 1.4 (Computation of time)



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S W
WASHINGTON D C. 20554

News media information 202-418-0500

Fax-On-Demand 202-418-2830, Internet [http //www fcc gov](http://www.fcc.gov) (or [ftp fcc gov](ftp://ftp.fcc.gov))

TTY (202) 418-2555

DA No. 04-25

Report No. TEL-00749

Thursday January 8, 2004

INTERNATIONAL AUTHORIZATIONS GRANTED

Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Requests to Authorize Switched Services over Private Lines (47 C.F.R. § 63.16); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22, and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23, or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4). Grants under Section 63.16 and certain grants under Section 63.18 also authorize carriers generally to use their authorized private lines to provide switched services (ISR) between the United States and particular international points pursuant to 47 C.F.R. § 63.16. See also 47 C.F.R. §§ 63.22(e), 63.23(d).

This public notice serves as each newly authorized carrier's Section 214 certificate. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. These are set forth in detail below and in Sections 63.21, 63.22, and 63.23 of the Commission's rules, 47 C.F.R. §§ 63.21-23. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

The Commission most recently amended its rules applicable to international telecommunications common carriers in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also IB Docket No. 97-142, Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Order on Reconsideration, 15 FCC Rcd 18158 (2000), IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999) and in IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, FCC 99-73, released May 6, 1999, 64 Fed. Reg. 34,734 (June 29, 1999). An updated version of Sections 63.09-24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>

Petition for Declaratory Ruling

Grant of Authority

Date of Action 01/07/2004

SkyWave Mobile Communications, Corp (SkyWave Mobile or Petitioner) seeks a declaratory ruling that it is not contrary to the public interest for SkyWave Mobile to acquire indirect foreign equity and voting interests in excess of the 25 percent benchmark in Section 310(b)(4) of the Communications Act of 1934, as amended. This request is filed in conjunction with an application for Title III mobile earth terminals. See FCC File No. SES-LIC-20030311-00353, E-030055.

According to the petition, SkyWave Mobile is a Delaware corporation wholly owned by SkyWave Mobile Holdings, Corp., a Delaware holding company. In turn, SkyWave Mobile Holdings, Corp. is wholly owned by SkyWave Mobile Communications, Inc. (SMCI), a Canadian corporation. Petitioner states that the equity and voting interests in SMCI are held as follows: 1378346 Ontario, Inc., a Canadian corporation (50.25 percent), ID, L.P., a Canadian limited partnership (22.23 percent), SMCI's employee stock option plan (22.06%), and other named Canadian citizens and entities (5.46 percent).

Petitioner states that 1378346 Ontario, Inc. is an inactive company whose sole purpose is to act as a trustee owner of share investments made by McLean Watson Ventures II Limited Partnership (MWV), a Canadian venture capital investment firm. According to Petitioner, each of MWV's limited partners is either a Canadian entity or citizen, including the Treasury of the Province of British Columbia of Canada (34 percent limited partnership share in its capacity as administrator of the provincial government's employee pension fund), the Hospitals of Ontario Pension Plan (approximately 18.10 percent limited partnership share), and the Ontario Teachers' Pension Plan Board (approximately 18.10 percent limited partnership share). Petitioner further states that 1378346 Ontario, Inc. is wholly owned by 1319318 Ontario Limited, a Canadian corporation that is the general partner of MWV. 1319318 Ontario Limited, in turn, is wholly owned by McLean Watson Capital Inc., a Canadian company whose principal business is the management of venture capital investments. It is owned by two named Canadian citizens that hold one share each. ID, L.P. is 99.9 percent owned by Federation des Caisses Desjardins, a Canadian credit union that is widely held by its depositors. Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), these indirect foreign ownership interests are consistent with the public interest.

We find that it would not serve the public interest to prohibit the indirect foreign ownership of SkyWave Mobile in excess of the 25 percent benchmark of Section 310(b)(4). Specifically, this ruling permits the indirect foreign ownership of SkyWave Mobile by SMCI and its Canadian shareholders (up to and including 100 percent equity/voting interests), 1378346 Ontario, Inc. and its Canadian shareholders, including 1319318 Ontario Limited, McLean Watson Capital Inc., and McLean Watson Ventures II Limited Partnership and their respective shareholders (up to and including 50.25 percent equity/voting interest), and the Treasury of the Province of British Columbia of Canada (up to and including 17.09 percent equity and 34 percent voting interest), Hospitals of Ontario Pension Plan (up to and including 9.10 percent equity and 18.10 percent voting interest), and Ontario Teachers' Pension Plan Board (up to and including 9.10 percent equity and 18.10 percent voting interest), ID, L.P. and its Canadian shareholders (up to and including 22.23 percent equity/voting interest), SMCI's employee stock option plan and its Canadian shareholders (up to and including 22.06 percent equity/voting interest), and 10 named Canadian investors, each with less than one percent equity/voting interest. SkyWave Mobile may acquire up to and including an additional, aggregate 25 percent indirect equity and/or voting interests from the above-named foreign investors and from other foreign individuals and entities without seeking further Commission approval under Section 310(b)(4), subject to the following conditions: First, non-Canadian foreign ownership of SMCI shall be included in the total indirect foreign ownership of SkyWave Mobile. Second, no single foreign individual or entity may acquire indirect ownership of SkyWave Mobile in excess of 25 percent without further Commission approval, with the exception that 1378346 Ontario, Inc., 1319318 Ontario Limited, McLean Watson Capital Inc. (and its named shareholders), McLean Watson Ventures II Limited Partnership, and the Treasury of the Province of British Columbia of Canada may hold up to the equity and voting interests specified above.

This ruling is without prejudice to Commission action on the application for Title III mobile earth terminals.

International Telecommunications Certificate

Service(s). Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action 01/07/2004

Application for authority to provide facilities-based international telecommunications services between the United States and all permissible foreign points solely by means of the acquisition and operation of indefeasible-rights-of-use ("IRUs") and lease rights in U.S.-licensed common carrier and non-common carrier cables, and to resell the international services of authorized U.S. common carriers between the United States and all permissible foreign points. This application was amended by letter dated January 2, 2004, and is granted pursuant to section 63.18(e)(1) and (e)(2) of the rules, respectively, 47 C.F.R. § 63.18(e)(1), (e)(2).

Date of Action 01/02/2004

Application for authority to provide service in accordance with Section 63 18(e)(2) of the rules

Date of Action 01/02/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules

Date of Action 01/02/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules

Date of Action 01/02/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules

Date of Action 01/02/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules

Date of Action 01/02/2004

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules

ITC-ASG-20031126-00555 P

BiznessOnline com, Inc d/b/a VeraNet Solutions

Assignment

Grant of Authority

Date of Action 01/02/2004

Current Licensee. NOW Communications Inc D-I-P

FROM NOW Communications Inc D-I-P

TO BiznessOnline com, Inc d/b/a VeraNet Solutions

Application for consent to assign assets and associated customer base from NOW Communications, Inc , Debtor-in-Possession (NOW DIP) to Essex Acquisition Corporation (EAC) and NOW Acquisition Corporation (NAC), both of which are wholly owned by BiznessOnline com, Inc d/b/a VeraNet Solutions (BiznessOnline com) Applicants also seek authority to assign the international Section 214 authorization held by NOW DIP, File No ITC-214-19990729-00457, to BiznessOnline com Specifically, upon consummation of an asset purchase agreement between the parties, EAC will acquire NOW DIP assets and associated customer base in California, Florida, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Rhode Island, Texas and West Virginia NAC will acquire NOW DIP assets and associated customer base in all of NOW DIP's remaining operating states NAC will operate pursuant to the international section 214 authority to be assigned to BiznessOnline com, see 47 C F R § 63.21(h), while EAC will continue to operate pursuant to the international section 214 authority, File No ITC-214-19971222-00806, previously assigned to EAC in File No ITC-ASG-20021011-00541

This authorization is without prejudice to the Commission's action on any other related pending application(s)

Dismissal

ITC-T/C-20030529-00266

New Globalstar Corporation

Applicant requests withdrawal of the above listed application by letter dated December 19, 2003

INFORMATIVE

ITC-214-19950101-00007

Cincinnati Bell Any Distance Inc

Applicant notified the Commission of the name change to Cincinnati Bell Any Distance Inc by letter dated December 9, 2003
Former File Number ITC-95-344

ITC-214-20000905-00546

Telecom Columbia USA, Inc

Applicant notified the Commission of name change to Telecom Columbia USA, Inc by letter dated November 18, 2003

ITC-214-20010322-00149

Tiagris Networks, LLC

Applicant notified the Commission of the name change to Tiagris Networks, LLC by letter dated December 8, 2003

ITC-214-20020117-00058

OCMC, Inc

OCMC notified the Commission by letter dated December 18, 2003 that it will be providing international 214 service under the following names One Call Communications, Inc , 1-800-MAX-SAVE, OPTICOM, AdvantTel, RegionTel, SuperTel and LiveTel

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by streamlined grant or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/td/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules. The Commission recently amended Section 63.11 of the rules in its Order on Reconsideration in IB Docket No. 97-142, 15 FCC Rcd 18158 (2000).

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51 and 64.1001 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001. The Commission modified these requirements most recently in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries for which the Commission has authorized the provision of switched basic services over private lines at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. In addition, the carriers may not -- and their tariffs must state that their customers may not -- connect their private lines to the public switched network at either the U.S. or foreign end, or both, for the provision of international switched basic services, unless the Commission has authorized the provision of switched services over private lines to the particular country at the foreign end of the private line or the carrier is exchanging switched traffic with a foreign carrier that the Commission has determined lacks market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.16, 63.22(e), 63.23(d). A foreign carrier lacks market power for purposes of this rule if it does not appear on the Commission list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available at http://www.fcc.gov/Bureaus/International/Public_Notices/1999/da990809.txt. See generally 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999), paras. 12-15, 102-109.

(6) The Commission has authorized the provision of switched basic services via facilities-based or resold private lines between the United States and the following foreign points: Sweden, Canada, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El

Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, New Caledonia, Guinea, Suriname, and Fiji Islands

(7) Carriers may engage in "switched hubbing" to countries for which the Commission has not authorized the provision of switched basic services over private lines consistent with Section 63.17(b) of the rules

(8) Carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between or among the United States, Sweden, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, and New Caledonia, Guinea, Suriname, and Fiji Islands

(9) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14

(10) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19 must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11. These non-dominant carriers may continue filing new or revised international tariffs for mass market services until January 28, 2002, when all tariffs, with limited exceptions, must be cancelled. Carriers may not file any new or revised contract tariffs or tariffs for other long-term international service arrangements. See 2000 Biennial Regulatory Review, Policy and Rules Concerning the International Interexchange Marketplace, FCC 01-93, released March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001).

(11) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(12) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. §§ 43.82, 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>

(13) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(14) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203

(15) To the extent that any of the above-listed applicants intends to provide international call-back services through the use of uncompleted call signaling, its authorization to resell international switched voice and/or data services to provide these services is expressly subject to the conditions listed in VIA USA Ltd., et al., 9 FCC Rcd 2288 (1994), on recon., 10 FCC Rcd 9540 (1995).

(16) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903. See Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate Interexchange Marketplace, Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61, 12 FCC Rcd 15756, recon., 12 FCC Rcd 8730 (1997), Order, 13 FCC Rcd 6427 (Com. Car. Bur. 1998), further recon., FCC 99-103 (rel. June 30, 1999).

(17) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based service on that route unless the current rates the affiliate charges U.S. international carrier to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliation" and "foreign carrier" are defined in Section 63.09.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(4) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

Countries

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. 1-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

Facilities

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an

Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/td/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.